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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,896	07/25/2003	Hassan Mahini	2002-014	4007

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EXAMINER

BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/627,896

Applicant(s)

MAHINI, HASSAN

Examiner

Ariel Balaoing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to applicant's amendment filed on August 18, 2005.

Claims 1-27 are pending in the present application.

#### ***Response to Arguments***

2. Applicant's arguments filed August 18, 2005 have been fully considered but they are not persuasive.

Regarding claim 1, the applicant argues that, "SALMIMAA does not disclose that the mobile terminal associates the icons with a menu item on a hierarchical menu. Rather, the icons are conventionally associated with application programs" (see page 3, paragraphs 3 and 4 of the remarks); the examiner respectfully disagrees. While the icons are associated with application programs, application programs are seen as menu items on the mobile device. Therefore SALIMIMAA teaches that the mobile terminal associates the icons with a menu item. SALIMIMAA further discloses prioritizing and sorting the icons based on a user determination (column 2:line 52-column 3:line 11). As listing menu items by a determined priority represents a hierarchical menu, SALIMIMAA teaches wherein a mobile terminal associates the icons with a menu item on a hierarchical menu.

#### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3, 10-12, 19-21, 28 rejected under 35 U.S.C. 102(e) as being anticipated by SALMIMAA et al (US 6,668,177 B2).

Regarding claim 1, SALMIMAA discloses a method of accessing functions in a mobile communication device comprising: dynamically updating an event list responsive to designated events (abstract, column 2:lines 51-60); displaying said event list to a user on a display (Figure 1, column 2:lines 51-60); associating a menu item in a hierarchical menu with each event in said event list (Figure 3, column 2:lines 15-39, column 5:lines 27-45; Menu items with greater priority are given greater prominence on the display); and invoking the associated menu item in said hierarchical menu responsive to selection of an event from said event list by said user (column 5:lines 4-23).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. SALMIMAA further discloses wherein dynamically updating an event list responsive to designated events comprises adding events to said event list when a new event occurs (508-Figure 5, column 7:lines 16-30).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. SALMIMAA further discloses wherein dynamically updating an event list responsive to designated events comprises deleting events from said event list responsive to user actions (column 3:lines 61-65, column 4:lines 25-37; menu items are filtered according to user adjustable context values; it is also noted that on column 1:lines 5-31 that this invention relates to cellular telephones or personal digital assistants running a form of graphics orientated operating system. It is inherent for these types of systems to include the ability to change or remove menu items displayed).

Regarding claim 10, SALMIMAA discloses a mobile communication device comprising: a display (Figure 1, 2, 3) for displaying menu items in a hierarchical menu for selection by a user (Figure 3, column 2:lines 15-39, column 5:lines 27-45; Menu items with greater priority are given greater prominence on the display); a memory for storing an event list (column 2:lines 40-51); a processor (column 2:lines 40-51, column 5:lines 46-51) to: dynamically update said event list responsive to designated events (abstract, column 2:lines 51-60); display said event list on a display for viewing by a user (Figure 3, column 2:lines 15-39, column 5:lines 27-45); associate a menu item in a hierarchical menu with each event in said event list (Figure 3, column 2:lines 15-39, column 5:lines 27-45); and invoke the associated menu item in said hierarchical menu responsive to selection by said user of an event from said event list (column 5:lines 4-23). Processors are inherently responsible for controlling the operations of a system.

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. SALMIMAA further discloses wherein the processor adds events to said event list when a new designated event occurs (508-Figure 5, column 7:lines 16-30).

Regarding claim 12, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. SALMIMAA further discloses wherein the processor deletes events from said event list responsive to user actions (column 3:lines 61-65, column 4:lines 25-37; menu items are filtered according to user adjustable context values; it is also noted that on column 1:lines 5-31 that this invention relates to cellular telephones or personal digital assistants running a form of graphics orientated

operating system. It is inherent for these types of systems to include the ability to change or remove menu items displayed).

Regarding claim 19, SALMIMAA further discloses a circuit (circuitry of some form is inherently necessary for communication between various electronic components) for controlling a user interface including a display, said circuit comprising a processor (column 2:lines 40-51, column 5:lines 46-51) programmed to: generate and dynamically update an event list responsive to designated events (abstract, column 2:lines 51-60); display said event list on said display for viewing by a user (Figure 3, column 2:lines 15-39, column 5:lines 27-45); associate a menu item in a hierarchical menu with each event in said event list (Figure 3, column 2:lines 15-39, column 5:lines 27-45); and invoke the associated menu item in said hierarchical menu responsive to selection by said user of an event from said event list (column 5:lines 4-23). Processors are inherently responsible for controlling the operations of a system.

Regarding claim 20, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. SALMIMAA further discloses wherein the processor adds events to said event list when a new designated event occurs (508-Figure 5, column 7:lines 16-30).

Regarding claim 21, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. SALMIMAA further discloses wherein the processor deletes events from said event list responsive to user actions (column 3:lines 61-65, column 4:lines 25-37; menu items are filtered according to user adjustable context values; it is also noted that on column 1:lines 5-31 that this invention relates to

cellular telephones or personal digital assistants running a form of graphics orientated operating system. It is inherent for these types of systems to include the ability to change or remove menu items displayed).

Regarding claim 28, SALMIMAA discloses a computer program (column 1:lines 15-32; seen in the background of the invention, but still applicable to the disclosed invention) (column 5:lines 45-51) stored in a computer readable medium (storage of programs are inherently stored in a computer readable medium (i.e. memory in one form or another)) for controlling a user interface in a mobile communication device (column 5:lines 45-51), said program including instructions to cause said mobile communication device to: generate and dynamically update an event list responsive to designated events (abstract, column 2:lines 51-60); display said event list on said display for viewing by a user (Figure 3, column 2:lines 15-39, column 5:lines 27-45); associate a menu item in a hierarchical menu with each event in said event list (Figure 3, column 2:lines 15-39, column 5:lines 27-45); and invoke the associated menu item in said hierarchical menu responsive to selection by said user of an event from said event list (column 5:lines 4-23). Processors are inherently responsible for controlling the operations of a system.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 4, 13, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over SALMIMAA et al (US 6,668,177 B2) in view of AUSEMS et al (US 2003/0013483 A1).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However SALMIMAA does not discloses wherein said event list is displayed responsive to entry of a shortcut command by said user. AUSEMS discloses wherein said event list is displayed responsive to entry of a shortcut command by said user (abstract, paragraph 12, paragraph 64). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SALIMIMAA to include a shortcut command in order bring up the event list, as both disclosures deal with the interaction of associated menu icons in handheld devices with graphical user interfaces. This is beneficial in that it allows the ability to quickly switch to the menu icon list while another application or program is running in the foreground.

Regarding claim 13, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However SALMIMAA does not discloses wherein the processor displays said event list responsive to entry of a shortcut command by said user. AUSEMS discloses wherein the processor displays said event list responsive to entry of a shortcut command by said user (abstract, paragraph 12, paragraph 64). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SALIMIMAA to include a shortcut command in order bring up the event list, as both disclosures deal with the interaction of associated menu icons in handheld devices with graphical user interfaces. This is beneficial in that it allows the ability to quickly switch to the menu icon list while another application or program is running in the foreground.



Regarding claim 22, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However SALMIMAA does not discloses wherein the processor displays said event list responsive to entry of a shortcut command by said user. AUSEMS discloses wherein the processor displays said event list responsive to entry of a shortcut command by said user (abstract, paragraph 12, paragraph 64).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SALIMIMAA to include a shortcut command in order bring up the event list, as both disclosures deal with the interaction of associated menu icons in handheld devices with graphical user interfaces. This is beneficial in that it allows the ability to quickly switch to the menu icon list while another application or program is running in the foreground.

7. Claims 5-9, 14-18, and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over SALMIMAA et al (US 6,668,177 B2) in view of ROTH (US 6,266,060 B1).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, SALIMIMAA does not disclose further comprising sorting said event list before said event list is displayed. ROTH discloses further comprising sorting said event list before said event list is displayed (column 5:line 60-column 6:line 2, column 11:line 67-column 12:line 15; the sort process is initiated according to a user defined ranking control, thus the frequency of the sorting does occur before menu is displayed). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify

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SALIMIMAA to include the menu sorting abilities described in ROTH as both disclose a way to prioritize menu rankings. As stated by ROTH, *it should be understood that the present invention can be used to arrange any menu of user-selectable items regardless of the medium that is used to present the menu* (column 5:lines 30-38, column 5:lines 46-59, column 6:lines 31-42). This is beneficial in that it allows for various sorting techniques in any menu environment of user-selectable items.

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, SALIMIMAA does not disclose wherein said event list is sorted in time order. ROTH discloses wherein said event list is sorted in time order (column 11:line 67-column 12:line 15, column 12:line 52-column 13:line 20).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. SALIMIMAA further discloses wherein said event list is sorted based on priorities assigned to said events on said event list (Figures 6a and 6b, column 3:lines 60-65, column 7:lines 31-64).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. SALIMIMAA further discloses wherein said priorities are assigned to said events on said event list by a user (Figures 6a and 6b, column 3:lines 60-65, column 7:lines 31-64).

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However SALIMIMAA does not disclose wherein said event list is sorted based on usage statistics associated with said events on said

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event list. ROTH discloses wherein said event list is sorted based on usage statistics associated with said events on said event list (column 13:line 21-column 14:line 33).

Regarding claims 14 and 23, However, SALIMIMAA does not disclose wherein said processor sorts said event list before said event list is displayed. ROTH discloses wherein said processor sorts said event list before said event list is displayed (column 5:line 60-column 6:line 2, column 11:line 67-column 12:line 15; the sort process is initiated according to a user defined ranking control, thus the frequency of the sorting does occur before menu is displayed). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SALIMIMAA to include the menu sorting abilities described in ROTH as both disclose a way to prioritize menu rankings. As stated by ROTH, *it should be understood that the present invention can be used to arrange any menu of user-selectable items regardless of the medium that is used to present the menu* (column 5:lines 30-38, column 5:lines 46-59, column 6:lines 31-42). This is beneficial in that it allows for various sorting techniques in any menu environment of user-selectable items.

Regarding claim 15 and 24, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. However, SALIMIMAA does not disclose wherein said processor sorts said event list in time order. ROTH discloses wherein said processor sorts said event list in time order (column 11:line 67-column 12:line 15, column 12:line 52-column 13:line 20).

Regarding claims 16 and 25, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. SALIMIMAA further discloses

wherein said processor sorts said event list based on priorities assigned to said events on said event list (Figures 6a and 6b, column 3:lines 60-65, column 7:lines 31-64).

Regarding claims 17 and 26, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. SALIMIMAA further discloses wherein said priorities are assigned to said events on said event list by a user (Figures 6a and 6b, column 3:lines 60-65, column 7:lines 31-64).

Regarding claim 18 and 27, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. However SALIMIMAA does not disclose wherein said processor sorts said event list based on usage statistics associated with said events on said event list. ROTH discloses wherein said processor sorts said event list based on usage statistics associated with said events on said event list (column 13:line 21-column 14:line 33).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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